

EXHIBIT A

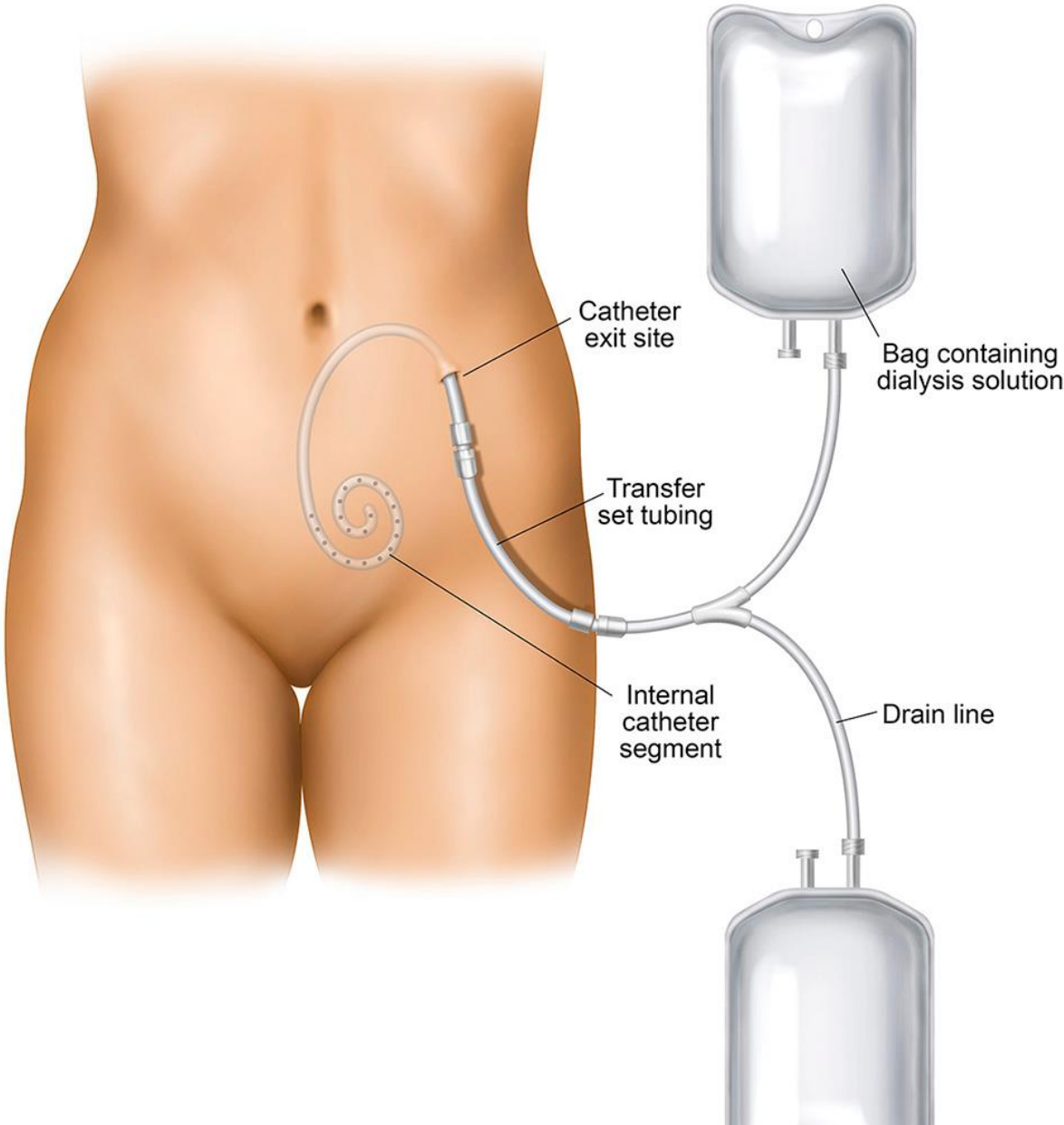


EXHIBIT B

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Leigh Claypoole

Acting United States Register of Copyrights and Director

Registration Number

V Au 1-273-302

Effective Date of Registration:

March 23, 2017

Title

Title of Work: Peritoneal Dialysis Catheter

Completion/Publication

Year of Completion: 2017

Author

- Author: Michael Scott Austin
Author Created: 2-D artwork
Citizen of: United States

Copyright Claimant

Copyright Claimant: Michael Scott Austin
9839 E. Navarro Ave, Mesa, AZ, 85209

Rights and Permissions






Organization Name: Internal Art Medical Illustration
Name: Michael Scott Austin
Email: mikeaustin10@cox.net
Telephone: (602)402-4988
Address: 9839 E. Navarro Ave
Mesa, AZ 85209


Certification

Name: Michael Scott Austin
Date: March 23, 2017

EXHIBIT C

← → ↻ ⓘ https://journeytothenewyou.com/general-surgery/peritoneal-dialysis-catheter-insertion/ ☆ ⓘ







 Got Questions? [Click here](#) to request a free, 10-minute phone call with our bariatric coordinator.
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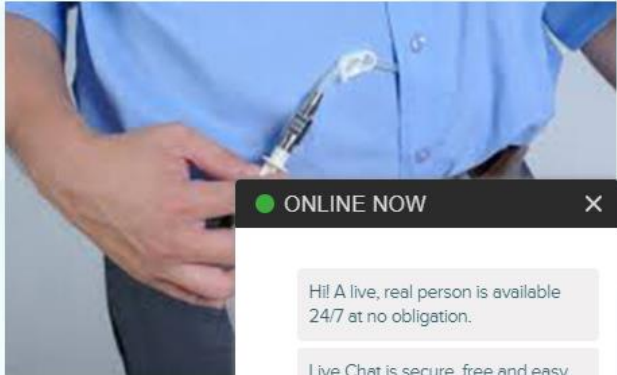
Peritoneal Dialysis Catheter Insertion

LIVE CHAT

What is Peritoneal Dialysis?

It is an alternative type of dialysis for those who do not want to use the traditional method of hemodialysis to filter blood.


PD uses the peritoneal membrane (inside lining of the abdomen) and a dialysate solution to remove the waste and excess fluid from your body. Because Peritoneal Dialysis enables patients to enjoy better mobility and independence, the simplicity of use, as well as certain clinical advantages of the popularity of Peritoneal Dialysis by patients has grown due.



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Wednesday, June 12, 2019

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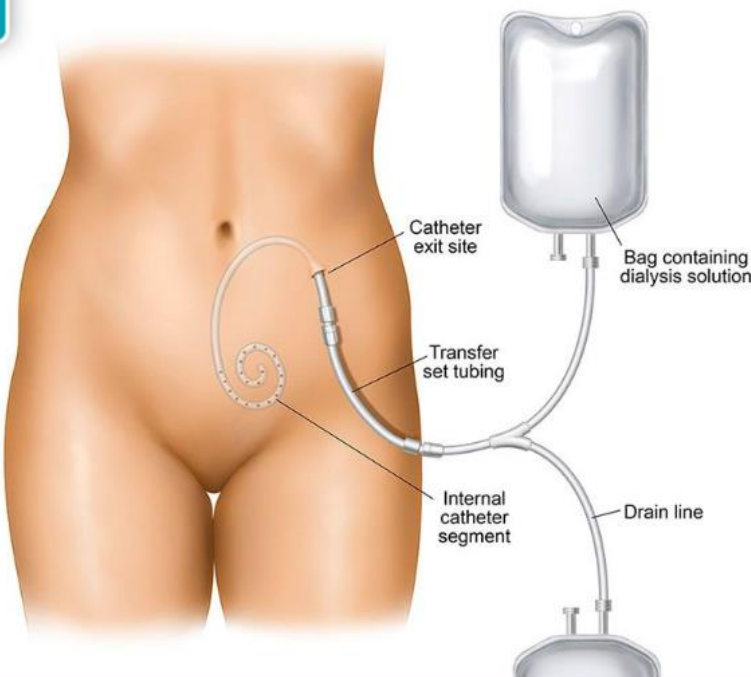
MENU

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LIVE CHAT

Dr. Atwa and our laparoscopic surgical team are experts at placing PD Catheters. Laparoscopic placement of a peritoneal dialysis catheter has been shown to provide many advantages: Minimal incision, less surgical trauma; the procedure allows the early start of peritoneal dialysis and has no complications* ([NDT Plus](#), Oct; 1(Suppl 4): iv23-iv28.doi: [10.1093/ndtplus/sfn120](#))

What is the Placement Procedure for a Peritoneal Dialysis Catheter?



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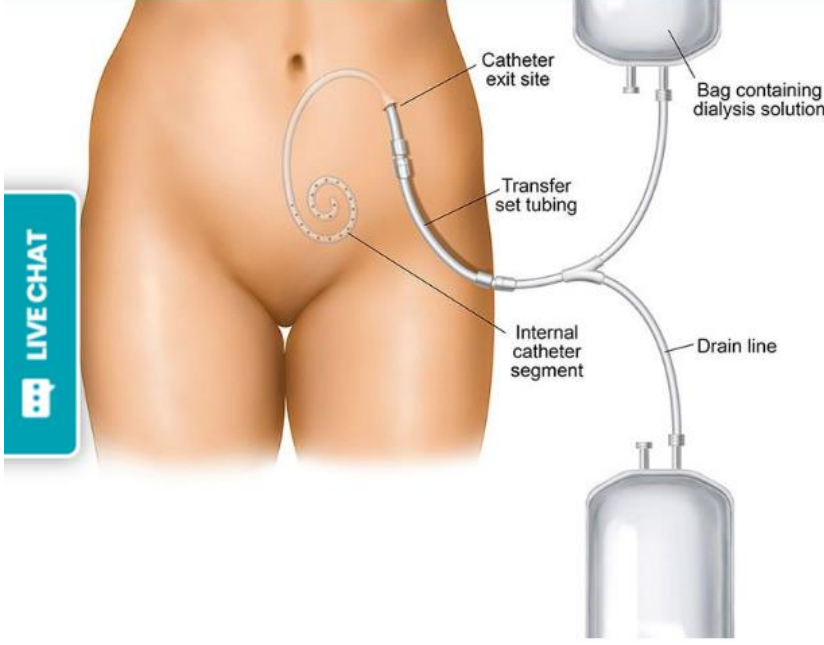
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REQUEST A CONSULTATION

Request a Consultation



If you are interested in setting up a consultation with us to learn more about the benefits and risks of weight loss surgery, click or tap the button below.

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≡ MENU


After the procedure, you are able to return home the same day. The dressing on the catheter should remain dry and intact until otherwise instructed your dialysis care team.

You may be prescribed medication for pain. A PD catheter requires about two to four weeks healing before it is ready for use.

LIVE CHAT





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Wednesday, June 12, 2019

EXHIBIT D

EDWARD C. GREENBERG, LLC

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Edward C. Greenberg*
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Tamara L. Fitzgerald*†
tl.ecglaw@gmail.com

☒ IF BY MAIL, RESPOND TO:
445 HAMILTON AVENUE, SUITE 1102
WHITE PLAINS, NY 10601

June 14, 2019

BY PRIORITY MAIL

Dr. Hesham M. Atwa, M.D. FACS, FASMBBS
Long Island Laparoscopic Doctors
4 Technology Drive, Suite 220
East Setauket, NY 11733

RE: Mike Austin w/ Long Island Laparoscopic Doctors

Dear Dr. Atwa:

We serve as retained copyright counsel to Mr. Mike Austin, a medical illustrator of considerable reputation. This office routinely litigates matters of this nature. We write regarding your unauthorized use of our client's registered image.

Please be advised that, our client has discovered that you have employed our client's image of uterine fibroid embolization, a copy of which is annexed hereto as **Exhibit "A"**. Mr. Austin is the sole owner of and holds the copyright in the Subject Image, registration number VAu 1-273-302, dated March 23, 2017. A copy of the registration certificate is annexed hereto as **Exhibit "B"**.

You have prominently employed our client's image on your website, specifically at <https://journeytothenewyou.com/general-surgery/peritoneal-dialysis-catheter-insertion/>. Such unauthorized use of our client's image serves to market and promote your services and company for your sole economic gain. Copies of such unauthorized use of our client's image are annexed hereto as **Exhibit "C"**.

Such uses of our client's image are without his license, authorization or consent. As you must be aware, the use of a creator's photographic image *without written consent* or license is **violative of the United States Code, Title 17, and The Copyright Act**. Said federal statute affords the creator a plethora of remedies including one or more of the following: monetary relief in the form of compensatory and or statutory damages, an award of attorney's fees and/or an injunction directing removal of the offending materials from the marketplace pending litigation.

Neither you, your company, nor any agent or person on either of your behalves, has ever sought or obtained a license from Mr. Austin to employ the subject image for any purpose whatsoever. Rather, you appear to have simply employed the photograph at its election, *without a license, authorization or consent from the copyright holder*; this directly violates the exclusive rights granted to the copyright holder of the image.

*admitted in New York

†admitted in New Jersey

This letter shall serve as notice that you *immediately cease and desist* any and all unauthorized uses of our client's image. Any additional or further uses of our client's image will be at your peril.

If you or your company are in possession of any contract, license, agreement or writing of any kind or nature upon which you or your company intends to rely for the proposition that such usage is *authorized* or in the alternative, conclusively establishes that our client's claim is without merit, formal request is made herein to provide same. Such request is made pursuant to Federal Rule 11 in a good faith effort to obviate litigation. ***Failing the production of such license we will be constrained to assume that such usage is violative of law.*** In such event, we intend to institute suit against you, your company, and any other appropriate defendants in the appropriate judicial forum.

In the event you or your company are not in possession of any exculpatory documents, and pursuant to our obligations under Rule 11, Rule 130 (and any other substantially equivalent rules or statutes), **formal request is made herein for the following information** and documents reflecting or demonstrating the requested information:

1. The full nature and extent of the use of our client's image, in any and all formats, inclusive of the media and website described herein as well as distribution on any other websites, print media, brochures, pamphlets, signs, or any other format or media of any kind, by you or your company, inclusive of: a description of such uses, the commencement of the terms of such use(s), and location(s) of such uses or display.
2. Documents reflecting the revenue realized from use of our client's image by you and/or your company, during the period of time in which the image was displayed by you and/or your company, including without limitation all revenue received for or concerning peritoneal dialysis catheters during and after the time in which the image was on your website;
3. The source of the image(s) and the identities of the persons or companies preparing, supplying, editing, and/or producing same;
4. Representative copies in any and all tangible form and media in which our client's image were incorporated or employed;
5. Copies of written agreements or documents, with any and all persons or entities, referencing the creation, and reproduction regarding the offending use(s) of our client's image;
6. Copies of any documents in any format upon which you and/or your company intends to rely for the proposition that Mr. Austin had knowledge of and/or agreed to have his image published by you and your company, inclusive of any emails or documents of any kind by and between you and/or your company (and/or those acting on either of your behalf) and Mr. Austin (and/or those acting on his behalf);
7. Copies of any purported license or assignment relating to the images referenced herein and issued to you and/or your company by any third party;

8. The nature and extent of any prospective license(s) you and your company may be seeking to allow for prospective authorized use(s), or which will provide adequate time to remove the offending images from the web obviating plaintiff's need to seek judicial intervention for the purposes of obtaining an injunction prohibiting any and all uses such offending uses of his image;
9. Copies of any copyright registrations filed with any government or agency thereof referencing, relating or including the imagery complained of herein;
10. Copies of written agreements or documents, with any and all persons or entities with whom you and/or your company have transferred, assigned, licensed, or provided the image, which reference the subject images and/or any corresponding products or publications in which the image(s) are employed;
11. The identity of all third parties to whom you and/or your company supplied the image, including but not limited to publication of the subject image on third party(s)' website(s).
12. Data showing the web traffic and analytics for each page of your website that has employed our client's Image without his license, authorization or consent.
13. The name(s) of person(s) in charge of supervising and assuring that all advertising, marketing and/or promotional materials as well as the content of those materials, comply with any and all applicable state and/or federal regulations, of which may be set by administrative agencies and/or by state or federal statutes.

Upon receipt of such information we can fairly consider and determine an appropriate amount of compensation which may or may not include the granting of a limited license for prospective use or in the alternative, a brief period of time within which to permit removal of the image. It is not our client's preference to commence litigation and he would prefer to resolve the matter promptly and amicably. In order to do so, receipt of the above requested information within seven (7) business days of date is essential.

The following is to formally notify you, your company, its agents, employees and contractors **not to destroy, conceal or alter any goods, information, and/or images** stored in electronic form or generated by your and your company's computer systems or electronic devices including but not limited to its web sites. This information appears relevant to the above matters and may be unavailable from any other source. As you may know, such electronic information can easily be inadvertently destroyed and the failure to take *reasonable measures to preserve* it pending the completion of discovery can result in sanctions being imposed against you or your company. See, e.g., *Cedars Sinai Med. Ctr. v. Superior Ct.* (1998) 18 Cal 4th 1, 74 Cal Rptr 2d 248; *Zubulake v. UBS Warburg LLC* (SDNY 2003) 220 FRD 212, 216.

In order to comply with the discovery requests that we will make in this matter you and your company may need to provide electronic evidence in its native format. You and your company may also need to provide electronic documents, along with the metadata or information about data that is contained in those electronic documents. Even when a paper copy of a document or file exists, we will also seek the documents or files in their electronic format so that we also receive the

information in the metadata. Our discovery requests will include certain data on you and your company's hard drives, floppy discs, and backup files, and will include data not usually available to the ordinary computer user, such as deleted files and file fragments.

Thus, the electronic data and the storage devices in which they are kept that your client is ***obligated to maintain and preserve*** during the pendency of the discovery planned in this case include all of the following data and devices:

1. Electronic files including deleted files and file fragments, as well as archived files and documents stored in machine-readable format on magnetic optical or other storage media, including hard drives or floppy disks in you and your company's desktop computers, laptop computers, home personal computers, zip drives, external hard drives, usb keys, and the backup media used for each;
2. Files stored on online filing hosting services, including iCloud, Google Drive, and OneDrive;
3. All devices in which files are stored, such as cell phones, tablets, laptops, Chromebooks, and other devices of substantial similarity;
4. E-mail, both sent and received, internally or externally;
5. Telephone files and logs such as voicemail and universal mobile telecommunications systems (UMTS) data;
6. Word processing files, including drafts and revisions;
7. Spreadsheets, including drafts and revisions;
8. Databases;
9. Electronic files in portable storage devices such as floppy discs, compact discs, digital video discs, ZIP drives, thumb drives or pen drives;
10. Graphs charts and other data produced by project management software;
11. Data generated by calendaring, task management and personal information management software, such as Microsoft Outlook;
12. Data created with the use of or stored on personal data assistants such as PalmPilot inclusive of substantially equivalent devices;
13. Data created, derived and/or edited with the use of editing software such as Photoshop, Adobe, and any accompanying software;
14. Data created with the use of paper and electronic mail logging and routing software;

15. Internet and web-browser generated history files, caches, and “cookies” generated by you and/or your company or at the workstation of each employee in you and/or your company’s employ and on any and all backup storage media;
16. Logs of network use by you and/or your company and either of its distributors and/or customer’s employees, whether kept in paper or electronic format;
17. Copies of your and your company’s backup tapes and the software necessary to reconstruct the data on those tapes on each and every personal computer or workstation and network server in you and/or your company’s control and custody;
18. Electronic information in copiers, fax machines and printers;
19. Web-site files and records of any kind and all histories of those files;
20. All records of sales generated and processed through software for goods employing the offending image;
21. Records, copies, reproductions and evidence set forth above existing or printed on physical paper or paper product(s).

As previously stated, and as you are aware, the failure to maintain such information, and any other electronic information which may be called upon in discovery, can lead to severe penalties in the discretion of the Court.

We require delivery of the above sought documentation within seven (7) days of date. Absent an exculpatory document or license, any and all uses of our client’s images will be made at you and your company’s peril. Should we fail to hear from you, we will file suit in the United States District Court against you and any other appropriate defendants without further notice.

Very truly yours,



EDWARD C. GREENBERG

cc: Mike Austin

EXHIBIT E

EDWARD C. GREENBERG, LLC

COUNSELORS AT LAW
570 LEXINGTON AVENUE, 19TH FLOOR
NEW YORK, NY 10022
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Tamara L. Fitzgerald*†
tl.ecglaw@gmail.com

☒ IF BY MAIL, RESPOND TO:
445 HAMILTON AVENUE, SUITE 1102
WHITE PLAINS, NY 10601

January 27, 2020

BY PRIORITY MAIL

Dr. Hesham M. Atwa, M.D. FACS, FASMBBS
Long Island Laparoscopic Doctors
4 Technology Drive, Suite 220
East Setauket, NY 11733

RE: Mike Austin w/ Long Island Laparoscopic Doctors

Dear Dr. Atwa:

We serve as retained copyright counsel to Mr. Mike Austin, a medical illustrator of considerable reputation. This office routinely litigates matters of this nature. We write again regarding your unauthorized use of our client's registered image.

Please be advised that we have failed to receive a response to our letter dated June 14, 2019. A copy of said letter is enclosed herewith for your ease of reference. Please be aware that mere removal of the image is not sufficient to resolve this matter. We require that you contact us immediately. Failing same, Mr. Austin is prepared to commence suit against you in the United States District Court for the Eastern District of New York. Be governed accordingly.

Regards,



EDWARD C. GREENBERG

cc: Mike Austin

Encl.

*admitted in New York

†admitted in New Jersey